

Form B10 (Official Form 10) (04/04)

\*\* PLEASE NOTE INSTRUCTIONS ON REVERSE SIDE \*\*

Filed Electronically 7/14/06

UNITED STATES BANKRUPTCY COURT-DISTRICT OF NEVADA		PROOF OF CLAIM -Chapter <input checked="" type="checkbox"/> 13 <input type="checkbox"/> 11 <input type="checkbox"/> 7 <input type="checkbox"/> Other
Name of Debtor .USA COMMERCIAL MORTGAGE CO.	Case Number 06-10725	
<p><b>NOTE:</b> This form should NOT be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. Section 503..</p>		
Name of Creditor (The person or other entity to whom the debtor owes money or property)  Diane Walter	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	THIS SPACE FOR COURT USE ONLY
Name & address where notices should be sent: c/o Beesley Matteoni, Ltd. Caryn S. Tijsseling, Esq. 5011 Meadowood Mall Way, Ste. 300 Reno, Nevada 89502 Telephone number: (775)827-8666		
Last four digits of account or other number by which creditor identifies debtor:	Check here if this claim <input type="checkbox"/> replaces <input type="checkbox"/> amends a previously filed claim, dated _____	
<b>1. BASIS FOR CLAIM</b> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input checked="" type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other	<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (FILL OUT BELOW) Last four digits of your Social Security # _____ Unpaid compensation for services performed from _____ To _____ (date) (date)	
2. Date debt was incurred: 2/12/04	3. If court judgment, date obtained:	
4. Classification of Claim. Check the appropriate box or boxes that best describe your claim and state the amount of the claim at the time case filed. See reverse side for important explanations.		
<b>Unsecured Nonpriority Claim \$</b> <input checked="" type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or c) none or only part of your claim is entitled to priority  <b>Secured Claim.</b> <input checked="" type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff)  Brief description of collateral: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Value of collateral: \$ unknown  Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____	<b>Unsecured Priority Claim.</b> <input type="checkbox"/> Check this box if you have an claim, all or part of which is entitled to priority. Amount entitled to priority \$ _____  Specify the priority of the claim: <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B) <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,000),* earned within 180 days before filing of the bankruptcy petition, or cessation of the debtor's business, whichever is earlier- 11 U.S.C. § 507(a)(4) <input type="checkbox"/> Contributions to an employee benefit plan.- 11 U.S.C. § 507(a)(5) <input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease or rental of property or services for personal, family or household use. 11 U.S.C. § 507(a)(7) <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8) <input type="checkbox"/> Other-Specify applicable paragraph of 11 U.S.C. § 507(a)(____).  <small>*Amounts are subject to adjustment on 4/1/07 and every three years thereafter with respect to cases commenced on or after the date of adjustment.</small>	
5. Total amount of claim at time case filed: \$50,000.00 (unsecured) <input type="checkbox"/> (secured) <input type="checkbox"/> (priority) <input type="checkbox"/> (Total) If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below. <input checked="" type="checkbox"/> Check this box if claim includes interest, or other charges in addition to the principal amount of the claim. Attach an itemized statement of all interest or additional charges. 12%		
6. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. 7. Supporting documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. 8. Date-Stamped copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and a copy of this proof of claim.	(This space for court use only)	
Sign and print the name and title, if any, of the creditor or other person authorized to file this claim <small>(attach copy of power of attorney, if any):</small> Date: <i>7/14/06 Caryn Tijsseling, attorney for Diane Walter</i>		
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 & 3571		

### **Summary of Supporting Documents**

In the present case, the documents supporting the proof of claim are too voluminous to attach. Accordingly, the supporting documents are being summarized for the Court's convenience. The supporting documents will be provided upon request.

1. Loan Extension Agreement and Power of Attorney dated January 27, 2004;
2. Payment Summaries for April 6, 2004 through February 1, 2006;
3. Sixth Amendment to Deed of Trust dated January 6, 2003.;
4. Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing;
5. Construction Loan Agreement dated March 5, 2003;
6. Promissory Not Secured by Deed of Trust dated March 5, 2003. Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing dated March 3, 2006;
7. Second Amendment to Deed of Trust dated May 27, 2003;
8. Promissory Note Secured by Deed of Trust dated June 18, 2002;
9. Second Amendment to Loan Documents dated March 5, 2003;
10. First Trust Deed Investment Reports;
11. First Trust Deed Investing Manual;
12. Declaration of Agency Limited Power of Attorney dated March 5, 2003;
13. First Amendment to Loan Documents dated April, 2003;
14. First Amendment to Deed of Trust;
15. Authorization Agreement for Automatic Deposits; and
16. Mortgage Investment Disclosure Form.



4484 S. Pecos Rd.  
Las Vegas NV 89121

For questions regarding your statement  
please contact us at 1-888-921-8009  
or 702-734-2400

Michael Walter  
3 Malachite Road  
Yerington, NV 89447

### Statement Information

Page Count	1
Statement As Of	02/28/2006
Payment Method	Direct Deposit

### Payment Summary

Account: Michael J. Walter & Diane J. Walter, husband & wife, as joint tenants with right of survivorship			
Total Investments	Total Principal	Total Interest Paid	Total Amount Paid
1	\$ 0.00	\$ 466.67	\$ 466.67

### Transaction Detail

Transaction Type	From Date	To Date	Beginning Balance	Ending Balance	Amount Paid
Investment: Gramercy Court			Original Investment: \$ 50,000.00	JR: 12.00%	YTD Interest: \$ 1,500.01
Interest Payment	02/01/2006	02/28/2006	\$ 50,000.00	\$ 50,000.00	\$ 466.67
Totals:			\$ 50,000.00	\$ 50,000.00	\$ 466.67

### Full Account Summary

Account: Michael J. Walter & Diane J. Walter, husband & wife, as joint tenants with right of survivorship		
Total Originally Invested	Total Remaining Invested	Total YTD Interest
\$ 50,000.00	\$ 50,000.00	\$ 1,500.01

For a detailed breakdown of your statement or additional account information, please visit  
<http://www.tdinvestments.com>

Rep: Oliver Pühr Pno 0100  
Tele: 821-8180 Ext.

**PROOF OF CLAIM STATEMENT**

Claimant reserves the right to amend this claim to properly reflect priority or other classification, credits and charges after the date set forth or after the date hereof, including interest, attorney's fees, costs and related charges assessable against the Debtor or its property, particularly but not limited to those contemplated by section 506(b) of the Bankruptcy Code. Until the determinations thereof are made, and the precise date of payment of this claim is determined, the amount and priority thereof is undeterminable, and must accordingly be determined by an appropriate Order of the court to be entered at an appropriate time.